

APPEAL NO. 021929
FILED SEPTEMBER 11, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 8, 2002. The hearing officer determined that the appellant/cross-respondent's (claimant) compensable left shoulder injury extends to and includes the cervical spine and left wrist, but does not extend to and include the right hand.

The claimant appeals, contending that her doctor's reports establish a compensable injury to the right hand. The respondent/cross-appellant (carrier) appeals, contending that the claimant had a specific injury to the left shoulder and that the medical records do not support an additional left wrist or neck injury and that the claimant's injury is limited to the left shoulder. The claimant filed a response to the carrier's appeal, urging affirmance of the decision on the left hand and neck.

DECISION

Affirmed.

The claimant was employed as a machine operator making "pry bars." The claimant testified in detail regarding the process and even demonstrated with one of the pry bars at the CCH. The medical evidence is in conflict, and even where it is not directly in conflict, it is subject to differing interpretation. The hearing officer accurately summarized the medical records and evidence that he relied on in reaching his decision.

Extent of injury is a question of fact for the hearing officer. Section 410.165(a) provides that the hearing officer is the sole judge of the relevance and materiality of the evidence as well as of the weight and credibility that is to be given the evidence. It was for the hearing officer, as trier of fact, to resolve the inconsistencies and conflicts in the evidence and to determine what facts have been established. Garza v. Commercial Insurance Company of Newark, New Jersey, 508 S.W.2d 701 (Tex. Civ. App.-Amarillo 1974, no writ). When reviewing a hearing officer's decision for factual sufficiency of the evidence, we should reverse such decision only if it is so contrary to the overwhelming weight of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986). The hearing officer was persuaded that the claimant's compensable left shoulder injury also included her cervical spine and left wrist, but not the right hand. Nothing in our review of the record reveals that the hearing officer's determinations in that regard are so against the great weight of the evidence as to compel their reversal on appeal.

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **ASSOCIATION CASUALTY INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**HAROLD FISHER, PRESIDENT
3420 EXECUTIVE CENTER DRIVE, SUITE 200
AUSTIN, TEXAS 78731.**

Thomas A. Knapp
Appeals Judge

CONCUR:

Susan M. Kelley
Appeals Judge

Michael B. McShane
Appeals Judge